

**UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF VIRGINIA  
Richmond Division**

**In re: DWAYNE C. WALKER  
2500 Lee Ave  
Victoria, VA 23974  
xxx-xx-3865**

**Case No. 14-30401-KRH  
Chapter 13**

**Debtor.**

**NOTICE OF OBJECTION AND NOTICE OF HEARING**

Commonwealth of Virginia, Department of Social Services, and Division of Child Support Enforcement (DCSE) by counsel, has filed an objection to the confirmation of the above captioned Debtor's modified chapter 13 plan dated December 25, 2015.

**Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)**

If you do not wish the court to grant the relief sought in the objection, or if you want the court to consider your views on the objection, then on or before three days prior to the hearing date, you or your attorney must:

- File with the court at the address below, a written response with supporting memorandum as required by Local Bankruptcy Rule 9013-1(H). The address of the clerk's office is :

Clerk of the Court  
United States Bankruptcy Court  
701 East Broad Street  
Richmond, VA 23219

**Unless a written response and supporting memorandum are filed and served by the dated specified, the Court may deem any opposition waived, treat the objection as conceded, and issue an order granting the relief requested without further notice or hearing.** If you mail your response to the court for filing, you must mail it early enough so the court will **receive** it on or before the date stated above. You must **also** mail a copy to the persons listed below.

- Attend the hearing to be held on February 3, 2016 at 11:10 am in Room 5000, United States Bankruptcy Court, 701 E. Broad Street, Richmond, Virginia, 23219. **If no timely response has been filed opposing the relief requested, the court may grant the relief**

Elizabeth L. Gunn, VSB No. 71044  
Assistant Attorney General II  
Dept. of Social Services, Division of Child Support Enforcement  
2001 Maywill Street, Suite 200  
Richmond, VA 23230  
804-367-8270  
elizabeth.gunn@dss.virginia.gov

**without holding a hearing.**

- A copy of any response must be mailed to the following persons:

Elizabeth L. Gunn, Esquire  
Assistant Attorney General  
Division of Child Support Enforcement  
2001 Maywill Street, Suite 200  
Richmond, VA 23230

Carl M. Bates, Esq.  
P.O. Box 1819  
Richmond, VA 23218

United States Trustee, Richmond  
Office of the U. S. Trustee  
701 E. Broad Street, Suite 4304  
Richmond, VA 23219-1849

If you or your attorney do not take these steps, the court may decide that you do not oppose the relief sought in the motion or objection and may enter an order granting that relief.

**OBJECTION TO CONFIRMATION OF MODIFIED CHAPTER 13 PLAN**

COMES NOW the Commonwealth of Virginia, Department of Social Services, Division of Child Support Enforcement (the “Division”), by counsel, and hereby objects to the confirmation of the modified chapter 13 plan dated December 25, 2015 filed by the debtor in the above-captioned case (the “Debtor”), and in support thereof respectfully states as follows:

*A. The Debtor Not Current With Post-Petition Domestic Support Obligations*

1) The Debtor has an open child support case with the Division and owes a claim for domestic support obligations.

2) The domestic support claims are entitled to priority under 11 U.S.C. § 507(a)(1).

3) Specifically, the Debtor is ordered to pay the following domestic support obligation:

Case Number	Monthly Support
3534698	\$217.30

4) As of the Petition Date, the Debtor had a pre-petition support arrearage of \$905.05. On May 23, 2014, the Division filed a proof of claim in the amount of \$905.05, designated as official claim number 11 (“Claim No. 11”). As of the date hereof, the chapter 13 trustee has paid \$870.93 to the Division on its claim leaving a balance due of \$34.12.

5) The Debtor has made fairly consistent payments throughout the pendency of this case, but has, over time, as a result of various partial month payment defaults, amassed a post-petition default in the amount of \$1,175.38 as of the date hereof.

6) In order to have a chapter 13 plan confirmed, a debtor must be current on his/her payment of post-petition child support obligations pursuant to 11 U.S.C. § 1325(a)(8).

WHEREFORE, for the reasons stated herein, the Commonwealth of Virginia, Department of Social Services, Division of Child Support Enforcement, respectfully requests

that the Court deny confirmation of the Debtor's modified chapter 13 plan, and for such other and further relief as the Court deems just and proper.

Dated: January 27, 2016

COMMONWEALTH OF VIRGINIA,  
DEPARTMENT OF SOCIAL SERVICES,  
DIVISION OF CHILD SUPPORT ENFORCEMENT

/s/ Elizabeth L. Gunn

Elizabeth L. Gunn, VSB No. 71044  
Assistant Attorney General II  
Dept. of Social Services  
Division of Child Support Enforcement  
2001 Maywill Street, Suite 200  
Richmond, VA 23230  
804-367-8270  
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**Certificate of Service**

I hereby certify that on the 27th day of January, 2016, I electronically filed the foregoing Objection to Confirmation of Chapter 13 Plan with the Clerk of Court using the CM/ECF system, which provides electronic notice of such filing to all parties that receive notice in this matter including the following:

Richard J. Oulton, Esq.  
America Law Group, Inc.  
*Counsel for the Debtor*

Carl M. Bates, Esq.  
*Chapter 13 Trustee*

and mailed a copy of the foregoing by first class mail, postage prepaid, to the following non-CM/ECF participant:

Dwayne C. Walker  
2500 Lee Ave  
Victoria, VA 23974

/s/ Elizabeth L. Gunn  
Assistant Attorney General